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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

18 JUVENAL ROBLES and ABEL FIGUEROA,
individually and on behalf of a class of
19 similarly situated individuals,

20 Plaintiffs,

21 v.

22 LUCKY BRAND DUNGAREES, INC., a
Delaware corporation, KIRSHENBAUM
23 BOND SENEAL & PARTNERS LLC f/k/a
KIRSHENBAUM BOND & PARTNERS
24 LLC, a Delaware limited liability company,
d/b/a Lime Public Relations + Promotion, and
25 KIRSHENBAUM BOND & PARTNERS
26 WEST LLC, a Delaware limited liability
company,
27

28 Defendants.

Case No. 10-cv-04846 MMC

**JOINT REPORT ON STATUS OF
SETTLEMENT; STIPULATION AND
~~PROPOSED~~ ORDER CONTINUING
STAY OF LITIGATION PENDING
CLASS ACTION SETTLEMENT**

The Honorable Maxine M. Chesney

1 KIRSHENBAUM BOND SENECA &
2 PARTNERS LLC f/k/a KIRSHENBAUM
3 BOND & PARTNERS LLC, a Delaware
4 limited liability company, d/b/a Lime Public
5 Relations + Promotion, and KIRSHENBAUM
6 BOND & PARTNERS WEST LLC, a
7 Delaware limited liability company,

8 Third-Party Plaintiffs.

9 v.

10 MERKLE INC., a Maryland Corporation,

11 Third-Party Defendant and
12 Fourth-Party Plaintiff.

13 v.

14 RGAR HOLDINGS, LLC, a Florida limited
15 liability company, formerly known as TAKE 5
16 SOLUTIONS, LLC., a Florida limited liability
17 company.

18 Fourth-Party Defendants.

1 Plaintiffs Juvenal Robles and Abel Figueroa (together, "Plaintiffs"), Defendant Lucky Brand
2 Dungarees, Inc. ("Lucky"), Defendants Kirshenbaum Bond Senecal & Partners LLC, f/k/a
3 Kirshenbaum Bond & Partners LLC, d/b/a Lime Public Relations + Promotion and Kirshenbaum
4 Bond & Partners West LLC (together, "Lime"), Third-Party Defendant Merkle Inc. ("Merkle"), and
5 Fourth-Party Defendant RGAR Holdings, LLC f/k/a Take 5 Solutions, LLC ("Take 5")
6 (collectively, the "Parties"), by and through their counsel, submit the following Joint Statement on
7 the Status of Settlement, and Stipulation to Continue the Stay of Proceedings for a final two weeks:

8 1. On May 25, 2012, the Parties submitted a Joint Stipulation announcing that they had
9 reached an agreement as to the material terms of a class action settlement and requested that the
10 Court stay all pending motion and discovery deadlines. (Dkt. 85.)

11 2. On May 30, 2012, the Court granted the Stipulation and instructed the Parties to file
12 a Joint Status Report on the status of the settlement or a motion for preliminary approval on or
13 before July 13, 2012. (Dkt. 86.)

14 3. On July 13 2012, the Parties applied for an extension of the stay to allow additional
15 time to complete the necessary settlement documents. (Dkt. 87.) The Court granted a thirty-five
16 (35) day extension of the stay on July 18, 2012 and instructed the Parties to file a Joint Status
17 Report on or before August 22, 2012. (Dkt. 88.)

18 4. On August 22, 2012, the Parties filed their second request to continue the stay,
19 reporting that Counsel for each of the Defendants, as well as insurers, and representatives of the
20 Defendants have reviewed and edited several drafts of the settlement agreement and that the Parties
21 had selected the class action administrator who was in the process of revising the notice plan for
22 final approval from all Parties and insurers.

23 5. On September 7, 2012, the Parties filed their third request to continue the stay,
24 reporting that on August 29, 2012, a version of the settlement agreement, accompanying exhibits,
25 and notice plan was agreed to by counsel and circulated to the Plaintiffs and Defendants for
26 signature. On August 30, 2012, Lucky identified additional revisions to the settlement agreement,
27 notices, and notice plan, which were circulated to counsel for the other Parties on September 6,
28

1 2012. The Court granted the two week extension of the stay and instructed the Parties to file a Joint
2 Status Report on or before September 21, 2012. (Dkt. 92.)

3 6. Over the last two weeks the Parties have worked through several issues relating to
4 settlement notice to ensure an appropriate process is in place and have worked out the terms of the
5 settlement agreement. The settlement administrator also provided detailed information on the
6 settlement notice issues that took time to compile and evaluate. The Parties are working diligently
7 and in good faith to finalize this settlement and notice procedure. Lucky has a meeting set for
8 Monday morning to address the notice procedure issues. The Parties are very close to completing
9 this settlement. However, due to the intervening religious holidays and people's travel schedules, it
10 has taken longer than expected to work through these issues and the Parties require a **final** two week
11 extension to complete the settlement papers. The Parties now anticipate moving for Preliminary
12 Approval on or before October 5, 2012. Based on that filing date, the Parties are looking at a
13 hearing for preliminary approval; to the extent the Court requires one, on either November 2, 2012
14 or November 16, 2012 at 9:00 AM.

15 7. The Parties therefore stipulate to a final extension of the stay on all pending motion
16 and discovery deadlines in this case to and including October 5, 2012, to allow them time to finish
17 memorializing the settlement terms and finalizing the notice plan.

18 **IT IS SO JOINTLY REPORTED AND STIPULATED.**

19 Dated: September 21, 2012

20 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

21
22 By /s/ Brian R. Blackman

CRAIG CARDON

BRIAN R. BLACKMAN

Attorneys for

Defendant LUCKY BRAND DUNGAREES, INC.

1 Dated: September 21, 2012

2 EDELSON MCGUIRE LLC

3
4 By /s/ Ryan D. Andrews
5 RYAN D. ANDREWS
6 SEAN REIS
7 Attorneys for
8 Plaintiffs JUVENAL ROBLES and ABEL FIGUEROA

9 Dated: September 21, 2012

10 WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

11 By /s/ David Sheiffer
12 DAVID SHEIFFER
13 SARA J. SAVAGE
14 Attorneys for
15 Defendants KIRSHENBAUM BOND SENEAL &
16 PARTNERS LLC and KIRSHENBAUM BOND &
17 PARTNERS WEST LLC

18 Dated: September 21, 2012

19 LATHAM & WATKINS LLP

20 By /s/ Peter Winik
21 PETER WINIK
22 MATTHEW RAWLINSON
23 SARAH GRAGERT
24 Attorneys for
25 Third-Party Defendant MERKLE, INC.

26 Dated: September 21, 2012

27 MCDERMOTT WILL & EMERY LLP

28 By /s/ Peter Drobac
Daniel E. Alberti
Peter J. Drobac
Attorneys for Fourth-Party
Defendant RGAR Holdings, LLC

CERTIFICATION

I, Brian R. Blackman, am the ECF User whose identification and password are being used to file this Joint Case Management Statement and Request to Continue. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Ryan D. Andrews, David Sheiffer, Peter Winik and Peter Drobac have concurred in this filing.

Dated: September 21, 2012

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By /s/ Brian R. Blackman
BRIAN R. BLACKMAN
Attorneys for Defendant Lucky Brand Dungarees, Inc.

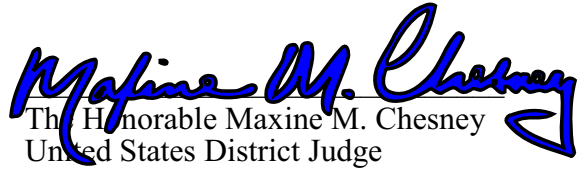
ORDER

Having considered the Parties' Joint Report on the Status of Settlement and Stipulation and good cause appearing, this litigation, including amended pleading deadlines, motion deadlines, and all discovery obligations, shall be stayed to and including October 5, 2012.

In the event that Plaintiffs have not filed a motion for preliminary approval of the settlement on or before October 5, 2012, the stay of this litigation shall be lifted and the parties shall file on that date a further Case Management Statement.

IT IS SO ORDERED.

Dated: September 24, 2012


The Honorable Maxine M. Chesney
United States District Judge